

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 867 - HB 1377

April 5, 2021

**SUMMARY OF ORIGINAL BILL:** Enacts *Eli's Law*. Requires the Department of Children's Services (DCS) to conduct an immediate investigation into the safety and well-being of any child born to a parent that has another child in the custody of the Department due to dependency and neglect upon becoming aware of the child's birth.

Establishes a rebuttable presumption that any child born to a parent that has another child in the custody of DCS due to dependency and neglect is subject to an immediate threat to the child's health or safety and that there is no less drastic alternative to adequately protect the child's health or safety than to remove the child from the custody of the parent without delay for a hearing.

Requires DCS, in the case the Department determines the child is not subject to an immediate threat to the child's health or safety, to provide written notice of such determination, along with any previous allegations, complaints, petitions against the parent, and the evidence upon which the determination was made within 24 hours of the determination.

Imposes specific criteria for the return to the parent's custody of any child removed under the processes established in this legislation.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$9,718,100/FY21-22 and Subsequent Years

Increase Federal Expenditures - \$4,131,800/FY21-22 and Subsequent Years

**SUMMARY OF AMENDMENT (006702):** Deletes all language after the enacting clause.

Establishes a presumption that any child born to a parent who has another child in DCS custody due to dependency and neglect may also be dependent and neglected, and that it is in the best interest of both children for the child's birth to be brought to the court's attention.

Requires DCS, upon learning of the child's birth, to notify the court that adjudicated the first child dependent and neglected and any other party entitled to notice, of the child's birth.

Requires the court, upon receiving the notice, to immediately schedule a hearing to inquire into the effect of the child's birth upon the case before the court and to address any further needed steps to protect the safety and well-being of the family.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Based on information provided by DCS, the Department can accomplish the notification requirements and any responsibilities related to court hearings utilizing existing resources.
- Based upon information provided by the Administrative Office of the Courts, any increase in caseloads can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any increase in state expenditures is estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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